

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 10905 PERMIT 6348 LICENSE 3152

ORDER CORRECTING THE NAME OF THE SOURCE,  
CHANGING THE DESCRIPTION OF THE LICENSED POINT OF DIVERSION TO A POINT OF  
REDIVERSION AND CORRECTING THE DESCRIPTION OF THE LOCATION,  
APPROVING TWO NEW POINTS OF DIVERSION AND ONE NEW POINT OF REDIVERSION  
AND CHANGING THE DESCRIPTION OF THE PLACE OF USE

**WHEREAS:**

1. License 3152 was issued to F. S. Betty and was filed with the County Recorder of Sutter County on March 17, 1951.
2. An order allowing correction of description of place of use was granted on April 30, 1952 and has been filed with the County Recorder of Sutter County.
3. License 3152 was subsequently assigned to Helen Davis.
4. The State Water Resources Control Board, by Order WR 79-22, determined that under the conditions now prevailing, the East Borrow Pit of the Sutter By-Pass and Poodle Creek are a common source.
5. A petition for change in points of diversion, addition of points of rediversion and change in place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such changes has been shown.
6. A request to correct the description of the location of the point of diversion under said license has been filed with the State Water Resources Control Board.
7. The Board has determined that the petitioned changes and correction do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The name of the source under this license is the East Borrow Pit of the Sutter By-Pass tributary to the Sacramento River.
2. The points of diversion under this license shall be as follows:
  1. South 100 feet and East 1,000 feet from  $W\frac{1}{4}$  corner of Section 29, T15N, R2E, MDB&M being within  $NW\frac{1}{4}$  of  $SW\frac{1}{4}$  of said Section 29.
  2. West 650 feet from  $N\frac{1}{4}$  corner of Section 28, T15N, R2E, MDB&M being within  $NE\frac{1}{4}$  of  $NW\frac{1}{4}$  of said Section 28.

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License 3152 (Application 10905)

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3. The points of redirection under this license shall be as follows:
  1. South  $88^{\circ}59'21''$  West 4,596.22 feet from NE corner of Section 29, T15N, R2E, MDB&M being within  $NW\frac{1}{4}$  of  $NW\frac{1}{4}$  of said Section 29.
  2. South  $46^{\circ}03'15''$  East 1,417.06 feet from NW corner of Section 28, T15N, R2E, MDB&M being within  $NW\frac{1}{4}$  of  $NW\frac{1}{4}$  of said Section 28.
4. The place of use under this license shall be as follows:

One hundred (100) acres net within a gross area of 415 acres located within  $NW\frac{1}{4}$  of Section 28,  $N\frac{1}{2}$  of Section 29 and  $N\frac{1}{2}$  of Section 30, all within T15N, R2E, MDB&M as shown on a map filed with the State Water Resources Control Board.

Dated: FEBRUARY 11 1982

*Raymond Walsh*

Raymond Walsh, Chief  
Division of Water Rights

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STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

ORDER

APPLICATION 10905

PERMIT 6348

LICENSE 3152

ORDER ALLOWING CORRECTION OF DESCRIPTION OF PLACE OF USE

Licensee having established to the satisfaction of the State Engineer that the correction of description of place of use under Application 10905, Permit 6348, License 3152 for which petition was submitted on February 20, 1952 will not operate to the injury of any other legal user of water, the State Engineer so finds, and

IT IS ORDERED that permission be and the same is hereby granted to correct the description of place of use under said Application 10905, Permit 6348, License 3152 to read as follows, to wit:

18 ACRES IN NW $\frac{1}{4}$  OF NW $\frac{1}{4}$   
38 ACRES IN NE $\frac{1}{4}$  OF NW $\frac{1}{4}$   
6 ACRES IN SW $\frac{1}{4}$  OF NW $\frac{1}{4}$ , AND  
38 ACRES IN SE $\frac{1}{4}$  OF NW $\frac{1}{4}$   
100 ACRES TOTAL ALL IN SECTION 29, T 15 N, R 2 E, MDB&M.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 30th day of April 1952.



A. D. Edmonston  
A. D. Edmonston  
State Engineer



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

## License for Diversion and Use of Water

APPLICATION 10905

PERMIT 6348

LICENSE 3152

THIS IS TO CERTIFY, That **F. S. Betty** Notice of Change (Over)  
**Route 2**  
**Yuba City, California**

made proof as of **November 23, 1948**  
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of  
**Poodle Creek in Sutter County**

tributary to **Sutter By-pass**

for the purpose of **irrigation use**

under Permit **6348** of the Department of Public Works and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from **October 26, 1944**; and

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **two and five tenths (2.5) cubic feet per second** to be diverted from about **May 1** to about **October 1** of each year.

The equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is located **South three hundred (300) feet and East two hundred (200) feet** from the NW corner of Section 29, T 15 N, R 2 E, M.D.B.&M., being within NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 29.

A description of the lands or the place where such water is put to beneficial use is as follows: **80 acres** in NW $\frac{1}{4}$  of NW $\frac{1}{4}$  and 20 acres in NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 29, T 15 N, R 2 E, M.D.B.&M.

RECORDED BY ORDER OF 4-30-51

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public  
Works of the State of California, this 14th  
day of March, 1951

A. D. Edmonston,  
State Engineer

2/17/69 Name chgd to Estate of F. S. Betty

4/8/69 RECEIVED NOTICE OF ASSIGNMENT TO Bertha Betty & Helen Davis  
12-6-74 Records chgd to about Helen Davis  
& Estate of Bertha Betty as owners  
12-6-78 Int of Estate of Bertha Betty asse to Helen Davis

LICENSE 3152

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

LICENSE  
TO APPROPRIATE WATER

ISSUED TO F. S. Betty

DATED MAR 14 1951

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